

EXHIBIT P

BILL AS INTRODUCED

2007-2008

H.477

ntroduced by Representative Koch of Barre Town

Referred to Committee on

Date:

Subject: Health; nutrition; labeling; chain restaurants

Statement of purpose: This bill proposes to require chain restaurants to post nutritional information for all food sold.

AN ACT RELATING TO NUTRITIONAL LABELING OF FOOD BY CHAIN RESTAURANTS

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. STATUTORY REVISION

Sections 4051 through 4071 of Title 18 shall be recodified as subchapter 1 (labeling for marketing and sale) of chapter 82 of Title 18.

Sec. 2. 18 V.S.A. chapter 82, subchapter 2 is added to read:

Subchapter 2. Food Chain Menu Labeling

§ 4091. DEFINITIONS

As used in this chapter:

(1) “Food chain” means any restaurant or similar food establishment which is identified as having 20 or more locations nationally doing business under the same trade name, regardless of the type of ownership of the individual restaurant locations, and offering predominantly the same types of meals, foods, or menus.

(2) “Nutritional information” means the total number of calories, grams of saturated fat, grams of carbohydrates, and milligrams of sodium per serving.

(3) “Standard menu item” means any menu item offered by the restaurant or food chain. “Standard menu items” do not include temporary menu items, such as specials that appear on the menu for less than 30 days per year; and condiments and other items placed on the table or counter for general use without additional charge.

§ 4092. MENU LABELING

(a) All food chains operating in the state of Vermont shall be required to list next to each standard menu item, in a

size and typeface similar to other information about the standard menu item, nutritional information as usually prepared and offered for sale. The bottom of each page of a menu must include, in a clear and conspicuous manner, the following statement: "Recommended limits for a 2,000 calorie daily diet are 20 g of saturated fat and 2,300 mg of sodium. Saturated fat numbers include trans fat."

(b) If the food chain uses only a menu board, it may limit the nutritional information listed on the menu board to the total number of calories per serving per standard menu item in a size and typeface similar to other information about the standard menu item. Additional information about the standard menu item shall be made available to customers in writing upon request. Menu boards must include, in a clear and conspicuous manner, the following statement: "Daily values are based on a 2,000 calorie diet."

(c) If a food chain provides a salad bar, buffet line, cafeteria service, or similar self-serve arrangement, it may limit the nutritional information provided for standard menu items offered in such an arrangement to the total number of calories per standard serving per standard menu item in a size and typeface similar to other information provided about the standard menu item. Additional information about the standard menu item shall be made available to customers in writing upon request.

(d) Nothing in this subchapter precludes food chains from providing additional nutrition information voluntarily.

§ 4093. NUTRIENT ANALYSIS

(a) For the purposes of this subchapter, restaurants and similar retail food establishments shall obtain the nutrient analysis required by this subchapter from an independent nutrition testing laboratory and shall use analytic methods and express nutrient content in a manner consistent with the Uniform Food, Drug, and Cosmetic Act and implementing rules. The amounts in the nutrient analysis contained in the nutritional information required pursuant to section 4092 of this title shall not be more than 20 percent lower than the amounts in the nutrient analysis found in the tested standard menu item.

(b) If a standard menu item comes in different flavors and varieties and is listed as a single standard menu item, the nutritional information required by section 4092 of this title shall be the median value for calories or other nutrients for all flavors or varieties if the values for all flavors or varieties are within 20 percent of the median. If the values are not within 20 percent of the median, the range of values for all the flavors or varieties of that standard menu item shall be listed from the lowest to the highest value. If a standard menu item that comes in different varieties is on display with a name placard or similar signage, the calories per serving as offered for sale shall be listed on the placard along with the name. Complete nutritional information for each individual flavor or variety of the standard menu item shall be available in writing from the food chain in an easily accessible format. The food chain shall alert customers to the

availability of written nutritional information in a clear and conspicuous manner.

§ 4094. RULES

The department of health shall adopt rules to implement the provisions of this subchapter within 12 months of enactment. The rules shall provide that the required information be conveyed to the public in a manner that enables the public to observe readily and comprehend such information and to understand its relative significance in the context of a total daily diet.

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